

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

A.P.G., an infant,
by his mother and next friend,
BRITTANY M. JONES

Plaintiff,

v.

FISHER-PRICE, INC.; MATTEL, INC.;
WAL-MART.COM USA, LLC;
WALMART INC.; WAL-MART
ASSOCIATES, INC.; AND WAL-MART
STORES EAST, LP

Defendants.

Case No. **3:22-cv-00112-DJN**

DECLARATION OF KAITLYN E. FUDGE

Kaitlyn E. Fudge, duly sworn, deposes and testifies as follows:

1. I am an adult citizen of Wake County, North Carolina, and am competent to provide the following sworn testimony based upon my own personal knowledge of the litigation of this case.

2. I am one of the attorneys for the Plaintiff in this civil action. I graduated Valedictorian from Campbell Law School in 2019. I earned the top grade in nearly half of my classes, and I finished law school with 18 different awards and recognitions. My bar exam score put me in the top 1% of Uniform Bar examinees nationally. Professionally, I have both first and second chair jury trial experience and am barred in two states. I argued in front of the North Carolina Court of Appeals in a case that received national attention—only two years after law school. I was recognized in 2023 *Best Lawyers in America*: Ones to Watch in two categories: Mass Tort/Class Action Litigation and Personal Injury Litigation. Currently, I am

in the North Carolina Advocates for Justice Leadership Program, which identifies and engages younger generations of trial lawyer leaders in North Carolina. I will complete the program this month and become a fellow. My educational and work background is summarized on my resume, attached to this affidavit.

3. A.P.G.'s case was referred to the Law Offices of James Scott Farrin by a former client, who was the lead plaintiff in the firm's billion-dollar black farmers class action, one of the largest civil rights cases in United States history. I started working on A.P.G.'s case in September 2019. Since graduating from law school, the vast majority of my professional time has been devoted to the development and litigation of A.P.G.'s case.

4. Before filing the lawsuit, Mr. Cowan and I, and our firm's staff devoted hundreds of hours of time investigating and building the case. Our staff dedicated significant time collecting, reviewing, and summarizing A.P.G.'s medical records. We searched for and consulted with experts regarding product design, engineering, and regulations concerning the Consumer Products Safety Commission. We researched litigation, including injury and death lawsuits, derivative shareholder litigation, and class actions, filed against Fisher-Price and Mattel regarding their inclined sleepers (the Rock 'n Play sleeper). However, A.P.G.'s case is the first one involving the Ultra-Lite Day and Night Play Yard, and we therefore had an extra challenge.

5. Since filing this lawsuit, I have been involved in the day-to-day management of this case. This has involved meetings and continuous communication with A.P.G.'s parents, knowledge and management of discovery in this case, including A.P.G.'s medical records and over 1.2 million pages of records produced by Defendants. I am the point person for all eight of our disclosed experts and all consultants. I have researched and drafted all the central briefs

and filings submitted on behalf of our client, A.P.G. in this case, including the *Daubert* motions, briefs, and responses. Most recently, I negotiated the Medicaid lien.

6. The parties have taken 21 depositions in this case. In addition to local depositions in Virginia and North Carolina, I have traveled to Florida, New York, California, Michigan, Arkansas, and South Carolina for depositions. Mr. Cowan and I have taken or defended all depositions in this case, except for defending two depositions, which we were physically in attendance for. Additionally, Mr. Cowan has guided me through all aspects of this litigation, and we have spent numerous hours discussing this case, including the litigation strategy, experts, arguments, and research.

7. To state it simply, this case has taken up the vast majority of my professional time. Mr. Cowan and I have worked numerous weekends, including holiday weekends. Conservatively, I estimate that I have spent at least 1,500 hours on work that advanced the case.

I verify under penalty of perjury that the foregoing is true and correct.

This the 7 day of June, 2023.



Kaitlyn E. Fudge
Attorney for Plaintiff

KAITLYN FUDGE

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kfudge@farrin.com

linkedin.com/in/kaitlynfudge

CURRENT EMPLOYMENT

Law Offices of James Scott Farrin | Trial Attorney | Since August 2019

- Attorney on litigated cases, including Qui Tam cases, catastrophic injury cases, and wrongful death claims
- Named to **2023 Best Lawyers: Ones to Watch**
- Argued COVID-19 immunity issues for *Howze v. Treyburn Rehab Center, LLC* at the North Carolina Court of Appeals, available here: <https://m.youtube.com/watch?v=h0sIYgvTOMU>
- Exceptional legal research and writing skills

EDUCATION

Campbell University School of Law, Raleigh, N.C. | Juris Doctor | May 2019

Rank: 1 of 112

Book Awards: 13

Contracts I, II; Legal Research & Writing I; Torts I, II; Constitutional Law I, II; Wills & Trusts; Advanced Legal Writing; Christian Perspectives; Employment Discrimination; Professional Responsibility; Land Use Planning

Additional Achievements: 7

Merit Scholar; Academic Honors List; First Year Academic Success Award; Second Year Academic Success Award; Third Year Academic Success Award; Valedictorian Award; Law Review Award

Involvement: 6

Campbell Law Review, Chief Articles Editor (Executive Board); Community Law Clinic; Pro Bono Council, Secretary (Executive Board); Wills/Advanced Directives Pro Bono Project Coordinator; Leadership Council; Constitutional Law Teaching Scholar

North Carolina State University, Raleigh, N.C. | B.S., Environmental Science (*Magna cum laude*)

PREVIOUS PROFESSIONAL EXPERIENCE

Womble Bond Dickinson, Charleston, S.C. | Summer Associate | Summer 2018

- Drafted motions and documents in employment and large construction cases
- Researched legal questions and provided polished, professional memoranda forwarded directly to clients

Wake County Attorney's Office, Raleigh, N.C. | Extern | Fall 2017

- Provided guidance on potential litigation, including taking an active role in gathering information from interested persons and anticipating potential problems
- Drafted policies, procedures, research memoranda, and a written decision for the Board of Adjustment

Hopper Hicks & Wrenn, PLLC, Oxford, N.C. | Intern | Summer 2017

- Drafted legal documents, including wills, powers of attorney, and deeds and performed title searches

BAR ADMISSIONS

North Carolina
South Carolina

Eastern District of NC
Middle District of NC
Western District of NC

INTERESTS

N.C. State Athletics
Dogs
Fishing
Yoga

INVOLVEMENT

Co-Chair, NCBA Pro
Bono Recognition
Subcommittee

NCAJ NEXT Leadership
Program